

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ALLEN SOLOMON,

Plaintiff,

-against-

CURT SZYMANSKI AND CAFFEINATION
TITLE, LLC,

Defendants.
-----X

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/29/2020

20-cv-5449 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on July 15, 2020, Plaintiff filed the complaint in this case alleging violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq* (“FLSA”) and violations of the New York State Labor Law (Dkt. 1);

WHEREAS on October 28, 2020, the parties filed a notice of settlement and requested the Court’s approval of their settlement agreement pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d. Cir. 2015) (Dkt. 25);

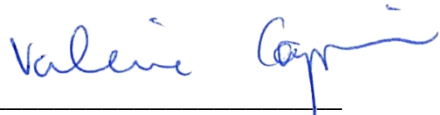
IT IS HEREBY ORDERED THAT:

1. The Court agrees with Defendants that this case should not have been brought as an FLSA case as Plaintiff (as reflected in his letter suggesting his hourly rate of pay should be \$250.00) does not appear to be seeking payment of minimum wage. *See* Dkt. 25 at 4 n.2, 6-7. Accordingly, the parties do not need the Court’s approval to dismiss this case. To the extent that Plaintiff is requesting that the Court approve dismissal of his FLSA claims in light of the settlement of his *quantum meruit* claim, that request is approved.

2. The initial pretrial conference scheduled for October 30, 2020 is canceled.
3. This case is DISMISSED.

SO ORDERED.

Date: October 29, 2020
New York, New York



VALERIE CAPRONI
United States District Judge